

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN DEPARTMENT OF ENVIRONMENTAL
QUALITY,

Plaintiff,

v.

CASE NO. 13-cv-13673
HONORABLE GERSHWIN A. DRAIN

PATRICK JAY CONELY, d/b/a
SUPERIOR SANITATION,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION [#8].
DENYING DEFENDANT'S MOTION TO STAY [#10] AND DENYING DEFENDANT'S
APPLICATION FOR IMMEDIATE CONSIDERATION FOR TEMPORARY
RESTRAINING ORDER [#11]**

On September 4, 2013, this Court remanded this action to the Livingston County Circuit Court upon determining it lacked subject matter jurisdiction. *See* Dkt. No. 4. On September 17, 2013, Defendant, proceeding *pro se*, filed a Motion for Reconsideration of this Court's Order of Remand. Thereafter, Defendant filed a Motion to Stay Proceedings in the State of Michigan Circuit Court and an Application for Immediate Consideration for Temporary Restraining Order. Because this Court remanded this action to the state court, it is divested of jurisdiction and cannot consider any of Defendant's pending motions. *See Brierly v. Alusuisse Flexible Packaging, Inc.*, 184 F.3d 527, 531 (6th Cir. 1999); *Vogel v. U.S. Office Products Co.*, 258 F.3d 509, 518-19 (6th Cir. 2001).

Accordingly, Defendant's Motion for Reconsideration [#8] is DENIED.

Defendant's Motion to Stay [#10] is DENIED.

Defendant's Application for Immediate Consideration for Temporary Restraining Order
[#11] is DENIED.

SO ORDERED.

/s/Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: November 15, 2013